

**SUFFOLK COUNTY LEGISLATURE
SPECIAL MEETING
TENTH DAY**

**June 22, 2005
(Continuation from June 21, 2005)**

**MEETING HELD AT THE WILLIAM H. ROGERS LEGISLATURE BUILDING
IN THE ROSE Y. CARACAPPA LEGISLATIVE AUDITORIUM
725 VETERANS MEMORIAL HIGHWAY, HAUPPAUGE, NEW YORK**

MINUTES TAKEN BY:

ALISON MAHONEY • COURT STENOGRAPHER

(* The meeting was called to order at 9:28 A.M. *)

P.O. CARACAPPA:

Madam Clerk, roll call, please.

(* Roll Called by Ms. Sullivan • Chief Deputy Clerk *)

LEG. CARACCIOLO:

Here.

LEG. SCHNEIDERMAN:

Here.

LEG. O'LEARY:

Here.

LEG. VILORIA • FISHER:

Here.

LEG. LOSQUADRO:

Present.

LEG. FOLEY:

Present.

LEG. LINDSAY:

Here.

LEG. MONTANO:

Present.

LEG. ALDEN:

Here.

LEG. KENNEDY:

Here.

LEG. NOWICK:

Here.

LEG. BISHOP:

(Not Present).

LEG. MYSTAL:

Here.

LEG. BINDER:

(Not Present).

LEG. TONNA:

(Not Present).

LEG. COOPER:

Here.

LEG. CARPENTER:

Here.

P.O. CARACAPPA:

Here.

LEG. ALDEN:

Change mine to a presently here.

MS. SULLIVAN:

15 (Not Present: Legislators Bishop, Binder & Tonna).

P.O. CARACAPPA:

Thank you. Would everyone please rise for a salute to the flag led by Legislator Vilorio•Fisher.

Salutation

Thank you. Please be seated. This is a continuation of yesterday's Special Meeting of the Legislature. We have one more item to discuss and to vote on, that is Home Rule Message No. 10.

As we left off yesterday, we recessed the meeting with the hopes of changing some language in the bill, that was accomplished and it was no easy task overnight dealing with both houses in

Albany. So I would like to thank _Rory Whalen_ and Senator Johnson, Assemblyman Sweeney and his staff, Mr. Sabatino, Mr. Law, the County Executive and his staff, my staff in the PO's Office, Counsel and her staff, as well as the Clerk, because we worked late last night and early this morning to get these changes made, to get the copies here from Albany and to have them printed before you. So I apologize for the delay, the half hour delay, but literally we've been working till this last minute.

The bill is pretty much the same as yesterday. The number on the board has been reconstituted, instead of two new County Executive appointments there is now only one which brings that number to six on the board; it consists of one PO appointment, two at•large Legislature appointments, one Minority Leader appointment and two County Executive appointments in total. I would ask Mr. Sabatino or someone from the County Executive's Office just to come to the podium if there's any questions. I'm going to make a motion to approve. Is there a second? Second by Legislator Lindsay. So on the motion, are there questions?

LEG. ALDEN:

Joe?

P.O. CARACAPPA:

Legislator Alden.

LEG. ALDEN:

Yesterday, and I'm not sure if it was just a little bit of a cloud over the issue or whether it was pointed out that it's very clear, but if we go this throughout, the Judicial Facilities Agency will actually •• they'll be going out and borrowing the money, they'll be building the building and they will own the building and lease it to Suffolk County.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

No, that's •• that's an option that's allowed for under the legislation, but that's not the option of first choice for the County. It's cheaper for the County to borrow the money. As long as it's cheaper for the County to borrow the money using it's own full faith and credit, that would be the course of action that we would recommend to pursue.

The JFA will award the contract just so we can get the benefit of that Wicks Law exemption

which is built into the statute. But the flexibility is there to go the other route like was done with the Cohalan Court Complex, but that's not the choice of first preference.

LEG. ALDEN:

Okay, Paul. Then what's the mechanism that would allow us to go that route rather than have the JFA build, own and operate the facility; how would we get to that, does that require a Legislative resolution?

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

Yeah, you'd have to •• I mean, anything that breaks •• anything that goes to the next stage, whether it's appropriating the bond proceeds from the Capital Budget and Program, that's a Legislative resolution. If there was a decision to go the other way, even though it might be more costly to do the lease back that you're talking about, again, that would be a resolution that would be approved by the Legislature to authorize all those agreements. So you can't do anything beyond the next step without Legislative approval at some place in the process.

LEG. ALDEN:

Okay. So this is strictly an option that we're opening up today.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

It's purely an option. It's so hard to get State legislation, it's virtually impossible to get a Wicks Law exemption, it's extremely difficult to get a public authority change. So when you're going for that, you take all the tools that you can get just so you've got it there and you don't have to go back a second time. But from a financial, fiscal standpoint, we're going to do what's most cost effective for the County; right now doing bonds is more cost effective.

LEG. ALDEN:

Good. And you just clarified it, that the mechanism would be a resolution to go one way or the other, pick an option out of what •• we're adding to the options today if we pass this.

MR. SABATINO:

Exactly.

LEG. ALDEN:

Thanks.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

The Capital Budget and Program right now contemplates \$122 million, I believe, over the next two years. You would have to actually appropriate that money on the bond scenario, and if you go the other way it's an actual resolution, so either way you're going to be involved in the process.

LEG. ALDEN:

Thanks, Paul.

P.O. CARACAPPA:

Anyone else? There's a motion and a second. All in favor? Opposed? Abstentions? Home Rule 10 is approved.

Is there any other business to come before this Legislature?

Hearing none, we're adjourned.

MS. SULLIVAN:

Fifteen.

CHIEF DEPUTY COUNTY EXECUTIVE SABATINO:

If I can just thank you, Mr. Chairman, for all your assistance and help and to the entire Legislature for cooperating on this process.

Thank you very much.

P.O. CARACAPPA:

We're adjourned.

(*The meeting was adjourned at 9:34 A.M.*)